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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/379,651	08/24/1999	MAMORU KUZUYA	5000-4679	1555

7590 11/26/2003

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EXAMINER

JOHNSON, VICKY A

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 11/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

09/379,651

Applicant(s)

KUZUYA ET AL.

Examiner

Vicky A. Johnson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4-10, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Funke (DE 2906708) in view of Asaoka (JP 05169906).

Funke discloses an axle housing assembly comprising an axle housing having a differential housing (11), a cover (30) attached to the differential housing (see Figure 2) with an integrally formed housing body (8) and a pair of axle tubes (10) within the housing body (see Fig 2), support means (5,6) including a pair of axle brackets fitted on a pair of axle tubes (see Fig 2) for supporting the axle housing to a base frame (26), a convex repulsive force receiving member (unnumbered, bolt hole of 17) integrally formed on the body for coupling the body of the housing to the support means (see Fig 2), wherein the differential housing includes a cover (30), wherein the support means includes a pair of axle brackets (5,6), a repulsive force receiving bolt (17), the axle brackets including a thick portion (unnumbered, left-side of bolt hole of 17).

Funke does not disclose the convex repulsive force-receiving member wherein a through hole is formed for receiving a fastener and a thick portion projecting toward the housing body such that the distal end of the thick portion is in contact with one of the left side surface and the right side surface of the convex repulsive force receiving member.

Asaoka discloses a repulsive force receiving member wherein a through hole is formed for receiving a bolt and a nut (see Fig 1) engaging with the bolt, the nut located in an upper portion of the differential housing, and a thick portion (top portion of 3) projecting toward the housing body such that the distal end of the thick portion is in contact with one of the left side surface and the right side surface of the convex repulsive force receiving member (since no frame of reference has been established, any direction can be considered up and left or right).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Funke to include a through hole for receiving a fastener as taught by Asaoka in order to provide more a secure fastener means.

3. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Funke (DE 2906708) in view of Pegg.

Funke discloses an axle housing as described above, but does not disclose a recess surrounding the through hole for recessing the head of the bolt.

Pegg discloses a recess surrounding the through hole for recessing the head of a bolt (13).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Funke by including a recess surrounding a through hole for recessing the head of the bolt in view of Pegg for the purpose of preventing anything from catching on the bolt head.

Response to Arguments

Some further comments regarding the applicant's remarks are deemed appropriate.

The applicant states that claims 1-13 are currently pending in the application, but in the listing of the claims, claim 3 is cancelled.

The applicant argues that the rejection based on the Funke reference in view of the Asaoka reference fails to meet the limitations of the claim 1, because each of the recited claim elements are not found in the cited references. The applicant recites the entire claim, but fails to direct attention to the specific element or elements that are missing from the cited references. Applicant then proceeds to explain how the axle housing assembly is assembled, which is not germane to patentability, but still fails to point out the missing elements of the claim.

The rejection of claim 11 is also traversed based on the grounds that the references cited above fail to show each and every element.

The Funke reference and the Asaoka reference show each of the recited elements of the claims. The limitation of "a thick portion" being on a left or right side surface of the convex repulsive force receiving member is also shown, but because no frame of reference is given in Fig 2 of Funke, the convex repulsive force receiving member could be considered as having a left or right side surface.

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The applicant's remarks have been accorded due consideration, however, they are not deemed fully persuasive.

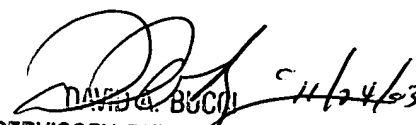
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vicky A. Johnson whose telephone number is (703) 305-3013. The examiner can normally be reached on Monday-Thursday (7:00a-5:00p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Bucci can be reached on (703) 308-3668. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

vaj 11/20/07


DAVID A. BUCCI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600